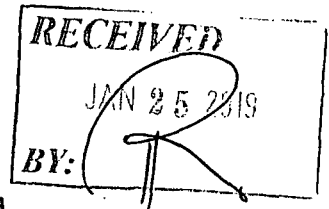


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET-(1738) FAX (602) 364-1039
VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Jan. 25, 2019 Case Number: 19-49

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Emily Clinton
Premise Name: Squaw Peak Animal Hospital
Premise Address: 3165 E. Lincoln Dr. #115
City: Phoenix State: AZ Zip Code: 85016
Telephone: 602-553-8855

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Joan Miley
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Jozy
Breed/Species: Mini Schnauzer
Age: 4 yrs. Sex: Female Color: Lt. Salt & Pepper

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Dr. Emily Clinton
3165 E. Lincoln Dr #115
Phoenix, AZ 85016
602-553-8855

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Joan Miley

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Joan Miley
Date: 1-21-19

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

I took Jozy for a check-up & Dr. Clinton decided on a C section. Jozy had 6 pups, 5 live & 1 dead. Pups were small. After pups were delivered, I asked about spaying Jozy while she was open & Dr. Clinton said no because it interferes with nursing. After leaving Vet, I found pups were not sucking. I bottle fed them & massaged pups. Within hours pups were nursing on Jozy (mom). Next morning I gave Jozy one

Dexamaxx 12 mg as perscribed. Within 2 to 4 hours I found 2 dead pups & Jozy with droopy eyes. I pulled the 3 live pups from Jozy, bottle fed & massaged them to keep them alive. I gave Jozy a 100% Charcoal Tablet. Asked God for help & called a 24 hr. Vet, they had no further advice. Jozy & her 3 live pups are doing well today. I took 3 pups to a different Vet for tail docking, dew claws & check up. All is well.

20 years ago, a dog I owned had a C-section. Nobody died, mom was spayed & had pain medication. Mom & pups thrived.

I went to Squaw Peak, it was recommended by the breeder & I was quoted a firm \$1,250 no fluctuation for C-section. I was charged \$1550. The worst was 2 dead pups, Jozy anxiety over separation from her pups & raising my BP. I have the 2 dead pups if needed for examination.

Joan Miley
1-21-19

February 13, 2019

Arizona State Veterinary Medical Examining Board
1740 W Adams St Ste 4600
Phoenix, AZ 85007

Received
2/14/19
Via email

In Re: Case 19-49

On January 8, 2019, I received a phone call from Joan Miley regarding her dog Jozy (a 4 year old intact female miniature schnauzer). Ms. Miley expressed to me that her bitch had been bred over a period of 3 days between 62-64 days ago. On January 5th and 6th Ms. Miley observed mucoid vaginal discharge coming from Jozy and she was digging in the whelping area like she may have been in early labor. Since that time, she has not seemed to progress in her labor at all. She reported that she was still having mucoid discharge but Ms. Miley had not observed any contractions and had not taken her temperature at all throughout this process so she was not sure if it had dropped at any point. I recommended that Jozy be brought in for an exam immediately and expressed my concern that she was having an abnormal labor and the puppies could possibly be deceased. Ms. Miley did not ask me any questions regarding cost during this discussion.

Approximately an hour later, Ms. Miley presented at Squaw Peak and I performed a physical exam. Jozy appeared to be healthy overall aside from a moderate amount of dental tartar and clear non-odorous vaginal discharge. I explained to the owner that I was concerned that Jozy had been having clear discharge since the 5th without proceeding to a normal labor. While there had not been any green discharge to indicate that the placentas were separating, the continued discharge did make me fear for the health of the puppies. Because no green discharge was observed even on digital vaginal exam (indicating the separation of placentas from the uterus) I offered Ms. Miley the option of continuing to watch her or we could refer her to a specialty hospital for an ultrasound to evaluate the health of the puppies. Based on the timing however; I thought a caesarean section would be the best course of action for the puppies. Ms. Miley agreed with the course of action and asked me to proceed. At that time, I told Ms. Miley our standard price for a caesarean section for a dog of Jozy's size was approximately \$1550, with medication to go home being additional. I offered Ms. Miley a written estimate for the cost of the procedure including medication but she declined the written estimate and said "it doesn't matter because it needs to happen anyway." At no time did I say that the price I was giving was "firm" since by nature an estimate is just that; an estimation of cost and the final price may be higher or lower depending on the patient's clinical needs.

A cephalic intravenous catheter was placed and Jozy was induced with propofol and maintained on sevoflurane. IV fluids were administered at a rate of 120 ml/hr throughout the procedure and recovery. A local anesthetic was administered subcutaneously along the linea with a 50/50 mix of lidocaine and bupivacaine to a total amount of 3 ml (1.5 ml of

each). Following a sterile surgical prep of the patient, a single routine ventral midline incision was made into the abdomen. The entire uterus was exteriorized and I immediately observed it was abnormal. Specifically, there was so little fluid around the puppies that a clear silhouette of each puppy was visible, and at that time I became concerned that it was too late and that the puppies were already deceased.

A single incision was then made in the dorsal aspect of the uterus slightly to the right of the body. Five puppies were gently milked from this incision and removed with all the fetal membranes intact and handed to the veterinary assistants for revival. A sixth puppy was found although it was tiny and deformed and already deceased. The uterus was massaged to aid with contraction and inspected for bleeding. No excessive bleeding was observed and uterus was closed using 3-0 monocryl in a continuous cushings pattern. The abdomen was briefly inspected for any bleeding or contamination with fetal fluids. None was observed and the abdomen was closed in 2 layers, both the linea and intradermal layer closed with 3-0 monocryl in a simple continuous pattern. During recovery Jozy was administered 0.25 ml oxytocin (20 units/ml) and 0.25 ml Penicillin G (300,000 units/ml) subcutaneously. Her recovery was smooth and a nail trim was performed while she was being observed.

Surprisingly, the five live puppies all recovered but they appeared abnormally small for the breed and the timing of their gestation according to Ms. Miley's reported breeding dates. They were crying and breathing well, no cleft palates or anal atresia was observed. I expressed my concern about the viability of the puppies noting to Ms. Miley that they appeared to be younger developmentally than we would expect. Also, due to the severely low fluid levels in the uterus, I believe they all would have died very soon without intervention. I told her I was concerned that the puppies may not survive as I have seen other litters that appeared very young like this that initially recovered and later faded and died over the next couple of days. Ms. Miley stated that she understood that this may occur but she was optimistic and would hope for the best.

Once Jozy was fully recovered from the anesthesia and was approved for discharge, Ms. Miley took her home with the puppies and was dispensed 7 tablets of Deramaxx 12.5 mg which she was instructed to give orally once every 24 hours with food as needed for pain control. Ms. Miley was also given verbal discharge instructions which included: feeding small meals of a bland diet for the next 24 hours, offering small amounts of water but not allowing Jozy to gulp large amounts at once, monitoring the incision site for any swelling or discharge, making sure the incision stayed clean and dry and that Jozy was not licking at it, and giving the pain medication as needed.

On January 9th Ms. Miley was called by one of the receptionists to inquire how Jozy and the puppies were doing as a routine surgical follow up call. Ms. Miley stated that both Jozy and the puppies were doing well and it was recorded in our call back log. On January 10th I received a phone message that Ms. Miley had called to report that 2 of the

puppies had died and could I please call her back to discuss this. She also told the receptionist that Jozy had attacked a few of the puppies. The day was extremely busy so I did not have a chance to respond to my phone messages until the end of the day.

When I called Ms. Miley back, she was irate and very worked up. She said she had googled the deramaxx and that it was not labeled for use in nursing mothers. I explained to her that there was no pain medication that was labeled for use in nursing mothers but studies have shown that this is a safe medication for use and I did not want Jozy to be in pain after major surgery. She then stated that she had read online that deramaxx was a terrible medication and had probably caused the puppies to have liver failure. She also stated that Jozy and the puppies seemed too sedate from the medication. I explained that deramaxx is a non-steroidal anti-inflammatory medication and that it did not have any sedating properties whatsoever. Also, I reiterated my concern about the health of the litter from before and I suspected that these puppies were fading from the beginning. I asked her about the statement that she had made that Jozy had attacked a few of the puppies. She brushed it off saying that she (Jozy) had just been a little rough with them but it was not an attack and therefore nothing serious and that those were not the puppies who had died anyway.

During our conversation, I extended my condolences for the lost puppies and offered that Ms. Miley should bring in the remaining puppies and Jozy for a free recheck where we could discuss an alternative pain medication that she would feel more comfortable with. Ms. Miley declined my offer and said that I was a bad doctor and liar because she had been quoted \$1250 for the cesarean section. I told Ms. Miley that I had never quoted her that price and she said that she had called the hospital at another time and spoke with someone else and that that person had been the one to quote her the price. She did not know who she spoke to on that call and I wondered if she had perhaps called a different hospital. In any event, she was adamant that she had called Squaw Peak even though I had verbally reminded her of the cost prior to the procedure and she did not mention any concern at that time.

I have had no further contact with Ms. Miley prior to receiving this board complaint. Thank you.

Emily Clinton DVM



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VETBOARD.AZ.GOV

INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Robert Kritsberg, DVM - Chair
Christina Tran, DVM
Mary Williams
Carolyn Ratajack
Jarrod Butler, DVM

STAFF PRESENT: Tracy A. Riendeau, CVT - Investigations
Victoria Whitmore, Executive Director
Sunita Krishna, Assistant Attorney General

RE: Case: 19-49
Complainant(s): Joan Miley
Respondent(s): Emily Clinton, D.V.M. (License: 4571)

SUMMARY:

Complaint Received at Board Office: 1/25/19
Committee Discussion: 4/2/19
Board IIR: 5/15/19

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised September
2013 (Yellow).

On January 8, 2019, "Jozy," a 4-year-old female Miniature Schnauzer was presented to Respondent due to concern for dystocia. After exam and discussion, a C-section was offered and approved by Complainant.

A C-section was performed. Six pups, one deceased, were removed and Respondent noted there was very little amniotic fluid and the puppies were smaller than what would be expected for normal term puppies. Respondent advised Complainant that she was concerned about their size and likelihood for survival. The dog was prescribed an NSAID and the mother and pups were discharged.

Complainant was noticed and appeared.

Respondent was noticed and appeared with Counsel, David Stoll.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Joan Miley*
- Respondent(s) narrative/medical record: *Emily Clinton, DVM*

PROPOSED 'FINDINGS of FACT':

1. On January 8, 2019, the dog was presented to Respondent due to possible dystocia. Complainant reported that the dog had been bred over a period of 3 days between 62 – 64 days ago. Two days earlier, Complainant noticed mucoid vaginal discharge coming from the dog and the dog was digging in the whelping area like she may have been in early labor. There had been no progression since that time. Respondent was concerned that the dog could be having an abnormal labor and the puppies could be deceased.

2. Upon exam, the dog had a weight = 21 pounds, a temperature = 100 degrees, a heart rate = 120bpm and a respiration rate = pant. The dog's abdomen was distended with puppies, mucoid discharge was noted on the vulva, and colostrum was easily expressed. Respondent stated in her narrative that she offered Complainant the option of continuing to monitor or refer to a specialty hospital for an ultrasound to evaluate the health of the puppies. However, based on timing, Respondent felt a C-section would be the best course of action. Complainant agreed; a verbal estimate was provided and the procedure was authorized. Complainant declined pre-surgical blood work and authorized IV catheter with fluids.

3. An IV catheter was placed, Normosol-R fluids were started at 120mLs/hr; the dog was induced with 60mg of propofol and maintained on sevoflurane and oxygen. A ventral midline incision was made and the uterus was exteriorized, six puppies were removed – one was tiny and deformed – five of the pups recovered well. All pups appeared small and there was very little amniotic fluid. The uterus was closed, then the linea and intradermal. The dog was administered oxytocin 0.25mL SQ and duel Penn-G 0.25mL (concentration not documented in the medical record) SQ. The dog recovered uneventfully.

4. Respondent contacted Complainant and expressed her concern about the viability of the puppies explaining that they appeared to be younger developmentally than we would expect. Also, due to the low fluid levels in the uterus, Respondent believed the puppies would have died soon without intervention. Respondent was concerned that the puppies may not survive. Complainant understood and remained optimistic. The dog and pups were discharged with Deramaxx 12.5mg, 7 tablets; give 1 tablet orally once a day as needed for pain.

5. Complainant stated that once she was home, the pups would not suckle therefore she had to bottle feed them; however, within hours they were nursing on the mother.

6. The following morning, Complainant administered the dog Deramaxx. Later that day, she reported that she found two of the pups dead and the mother had droopy eyes. She gave the dog a charcoal tablet and began bottle feeding the remaining three puppies.

7. On January 10, 2019, Complainant called Respondent reporting the death of the two puppies and believed it was due to the Deramaxx. Respondent advised that it was a low dose that has been recommended by a theriogenologist for post-op pain after C-sections. Complainant felt the pups died of liver failure after researching the internet; Respondent explained it was likely fading puppy syndrome as they were small and the placenta and sacs had little amniotic fluid. Complainant also had relayed that the mother attacked some of the puppies, but not the ones that had passed away.

8. Complainant further stated that she was told the surgery would cost \$1250 and she was charged \$1550. Respondent explained that the C-section cost had never been that low and did not think she would be quoted that price. Respondent offered to examine the remaining puppies, Complainant declined.

9. Complainant reported the puppies are doing well at this time.

COMMITTEE DISCUSSION:

The Committee discussed that there were some differences in the testimony heard. Verbal estimates are not uncommon and are acceptable, written estimates are best; however in this case Complainant declined a written estimate. This is the same for verbal discharge instructions, written discharge would be better but verbal instructions are acceptable.

The Committee was not too concerned about the concentration of penicillin not being documented in the medical record. Also, they did not feel that one dose of Deramaxx created any issues with the puppies. It was clear the puppies were smaller than usual and there could have been an underlying problem.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

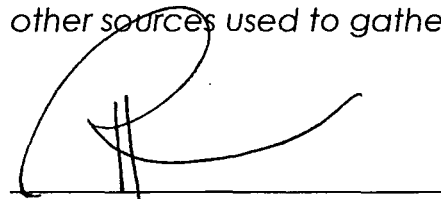
COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

A handwritten signature in black ink, appearing to be 'TRACY A. RIENDEAU', written over a horizontal line.

Tracy A. Riendeau, CVT
Investigative Division